

REG 11.30.02
Student Rights and Responsibilities

Authority: Vice Chancellor for Student Affairs

History:

- First Issued: Prior to 2010
- Last Revised: February 16, 2016

Related Policies:

- [UNC Policy Manual: Chapter 100.1 – *The Code*, Section 608. - Students’ Rights and Responsibilities](#)
- [UNC Policy Manual: Chapter 100.1 – *The Code*, Section 502 D\(3\). - Relation of the Chancellor to the Constituent Institutions](#)
- [UNC Policy Manual Section 700.4.1 - Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)
- [UNC Policy Manual Section 700.4.1.1\[R\] - Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations](#)
- [UNC Pembroke REG 11.30.01 – Student Code of Conduct](#)

Additional References:

- [UNC Pembroke Student Handbook](#)

Contact Information: Director of Student Conduct – 910.521.6851

1. STUDENT RIGHTS AND RESPONSIBILITIES

1.1 Students attend the University of North Carolina at Pembroke as a voluntary act and accept substantial benefits which the State of North Carolina provides. In taking such action, and accepting the benefits which accrue, students must accept the rules and regulations that have been developed pursuant to law. The following sections of the UNC Policy Manual of the Board of Governors should be noted especially:

1.1.a. UNC Policy Manual: [Chapter 100.1 – *The Code*, Section 608. – Students’ Rights and Responsibilities](#)

1.1.b. UNC Policy Manual: [Chapter 100.1 – *The Code*, Section 502 D\(3\). – Relation of the Chancellor to the Constituent Institutions](#)

1.1.c. UNC Policy Manual [Section 700.4.1 – Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)

1.1.d. UNC Policy Manual [Section 700.4.1.1\[R\] – Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations](#)

1.2 Upon enrollment, a student receives no sanctuary from obedience to law. A student is not entitled to greater immunities or privileges before the law than those enjoyed by other citizens generally. In addition to the federal, state, and local laws that pertain to all citizens, a student must accept the institutional rules and regulations necessary to accomplish the purposes for which the institution was established. The student does not, however, lose constitutional or legal rights by an act of voluntary enrollment. The University of North Carolina Policy Manual (700.4.1) specifically refers to the important right of a fair hearing and due process. Federal and state statutes and court cases have established certain student rights which are not to be infringed upon, except in situations which are themselves outlined in law and court procedures. Among these are:

1.2.a. no student may be denied access to university facilities or programs on the basis of race, color, national origin, religion, sex, age, sexual orientation, gender identity, genetic information, disability, or because of the individual's honorable service in the armed services of the United States;

1.2.b. no student may be denied the protection of the First Amendment of the Constitution of the United States and Article I of the Constitution of the State of North Carolina, which refer to freedom of speech, freedom of religion, freedom of the press, and freedom to assemble peacefully; and

1.2.c. no student may be denied the continuance of his/her education for disciplinary reasons without being afforded the right to due process.

1.3 Upon registration, student organizations voluntarily accept the rules and regulations outlined by the university. Student organizations are expected to follow the law as well as the UNCP Student Code of Conduct. In addition to the federal, state, and local laws that pertain to all citizens, a student organization must accept the institutional rules and regulations necessary to accomplish the purposes for which the institution was established.

2. ADDITIONAL RIGHTS RECOGNIZED BY UNCP

2.1 The right to read and study free from undue interference in one's room. (Unreasonable noise and other distractions inhibit the exercise of this right.)

2.2 The right to sleep, the right to one's personal belongings, the right to free access to one's room and suite facilities during the period that the residence halls are open, the right to a clean environment in which to live. (Optimum physical conditions are essential, as they support, reinforce, and provide positive conditions in which to learn and live.)

2.3 The right to redress of grievances. If the academic and residence hall communities are to function in the most educationally profitable manner, the right to initiate actions and referrals for impartial and fair adjudication of grievances is held paramount. In exercising this right, the student further holds the right to be free from fear or intimidation, physical and/or emotional harm, and without imposition of sanctions apart from the due process.

2.4 The right to personal privacy. All persons should have freedom from interference with their personal activities and should be able to maintain privacy for other than academic reasons.

2.5 The right to host guests. All students should have the opportunity to maintain personal contacts and friendships with other persons to fulfill their needs for socialization. Guests are to respect the above stated rights of the host's roommates and of other residents.

3. UNIVERSITY STUDENT CONDUCT SYSTEM

3.1 The University of North Carolina at Pembroke [Student Code of Conduct](#) outlines the rights and responsibilities of students and student organizations on and off campus. The purpose of the rules is to prevent abuse of the rights of others and to maintain an atmosphere in the university community appropriate for an institution of higher learning. Sections in the Student Code of Conduct cover academic concerns (grievances and standards) and student conduct and appeals. Rules included in the Student Code of Conduct are subject to amendment or revision.

3.2 Subject to any policies or regulations of the Board of Governors or of the Board of Trustees, it shall be the duty of the chancellor to exercise full authority in the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution, or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. In the discharge of the chancellor's duty with respect to matters of student discipline, it shall be the duty of the chancellor to secure to every student the right to due process. Appeals from these disciplinary decisions are allowable only on the following grounds:

3.2.a. violation of due process; or

3.2.b. material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

3.3 Where, in a student conduct case, the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees. No appeal to the president or Board of Governors is permitted.

3.4 Every student shall be bound by the Honor Code and the UNCP Student Code of Conduct. The Honor Code shall prohibit academic dishonesty. The Student Code of Conduct shall prohibit actions and behaviors that are clearly inconsistent with the university's expectations for membership in this community. The Student Code of Conduct is published in the student handbook, university catalog and faculty handbook. All adjudicatory power of the Student Body shall be vested in a system of hearing boards with recognition that ultimate responsibility must conform to the Bylaws of the university as established by the Board of Trustees.

4. STUDENT CODE PHILOSOPHY

4.1 The Student Code of Conduct contains the expectations and standards of the UNCP community. As members of the university community, students and student organizations are expected to conduct themselves in positive ways that contribute to the overall well-being of the university community. While matters of student misconduct cannot always be anticipated precisely, the following code applies to all students and student organizations and is consistent with the pursuit of university standards and educational objectives. The Student Code of Conduct should be read broadly and is not designed to define prohibited conduct in exhaustive terms. The Student Code of Conduct applies at all locations of the university, including affiliated programs in other states or foreign countries and off-site intern/externships.

4.2 Each student at the university is a member of the academic community as well as the civil community of the university and the surrounding area. All students can expect to be treated in a fundamentally fair manner as they carry out the duties and obligations associated with being citizens in such communities. The university conduct process is designed as an educational one; to encourage and promote the process of self-discipline and personal accountability. UNCP shall provide prompt and equitable conduct proceedings.

4.3 The university will adhere to the requirements of the law and will cooperate and communicate as appropriate with law enforcement agencies in their duties. Students are expected to be aware of and obey local, state, and federal laws in addition to the Student Code of Conduct and to take an active role in understanding their responsibilities as members of these communities. The university student conduct process is separate and is not attached or associated with any civil or criminal adjudication systems; therefore, the standard of expectation regarding due process and technical rules of evidence applicable to civil and criminal cases shall not apply.

4.4 The Office of Student Conduct can be reached by phone at 910.521.6851, or by email at studentconduct@uncp.edu

5. DEFINITION OF TERMS

5.1 The terms defined below are applicable to this specific document and the Student Conduct Process.

5.1.1 The term “**university**” means the University of North Carolina at Pembroke. Institutional name may be abbreviated as UNCP.

5.1.2 The term “**student**” includes:

5.1.2.a. all persons registered/enrolled in courses, either full-time, part-time, graduate, guest, or professional studies; and

5.1.2.b. persons who are admitted and enrolled, or who are on campus for the purpose of registering for courses.

5.1.3 The term “**faculty member**” means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member

of its faculty.

5.1.4 The term “**university official**” includes any person employed by the university, performing assigned administrative or professional responsibilities.

5.1.5 The term “**member of the university community**” includes any person who is a student, faculty member, university official or any other person employed by the university. A person’s status in a particular situation will be confirmed by the Office of Student Conduct.

5.1.6 The term “**university property**” includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the university (including adjacent streets and sidewalks).

5.1.7 The term “**student housing**” means any and all university property in which students reside.

5.1.8 The term “**complaint**” means a part of student conduct proceedings that entails a report, statement, or allegation that describes behavior or actions that may violate the Student Code of Conduct.

5.1.9 The term “**investigation**” means a part of the student conduct proceedings that entails the follow through on a complaint to ascertain associated details and circumstances. Investigations may be formal or informal. An investigation may result in charges or dismissal of the complaint. These determinations are made at the sole discretion of the Office of Student Conduct. Investigations shall be prompt, timely, and adequate as well as reliable and impartial.

5.1.10 The term “**charge(s)**” means a part of the student conduct proceedings that entails the formal written notification issued after the Office of Student Conduct has determined sufficient information exists to hold a Conduct Administrative Hearing or Conduct Hearing Board to determine whether a student or student organization has violated the Student Code of Conduct.

5.1.11 The term “**hearing**” means a part of the student conduct proceedings that entails the presentation of pertinent information, evaluation and assignment of credibility and weight of that information, and determination as to whether the preponderance of the information leads to a finding of responsibility. Fundamental fairness affords the opportunity for the accused student to appear (or not) and present pertinent information (or not). In cases in which the student(s) or student organization(s) is found responsible of a violation(s) of the Student Code of Conduct, sanctions are recommended.

5.1.12 The term “**Conduct Administrator**” means a university official selected, trained, and authorized by the chancellor or his/her designee to review charges and information to ascertain whether a violation has occurred and to determine sanctions in accordance with the processes outlined in the University Student Conduct Process. The Office of Student Conduct may authorize a university official to serve simultaneously as a Student Conduct Administrator and as one of the members of the Student Conduct Hearing Board.

5.1.13 The term “**Conduct Hearing Board**” means the group of university officials selected, trained, and designated by the chancellor or his/her designee to review charges and information to ascertain whether a violation has occurred and to determine sanctions in accordance with the processes outlined in the University Student Conduct Process.

5.1.14 The term “**sanction(s)**” means a part of the student conduct proceedings that entails responses or requirements given by the university to a student or student organization during a Student Conduct Administrator Hearing or a Student Conduct Hearing Board in response to a finding of responsibility for violation of the Student Code of Conduct. Sanctions are outlined in the Student Code of Conduct.

5.1.15 The term “**Conduct Appeal Board**” means a group of university officials selected, trained, and designated by the chancellor or his/her designee to consider an appeal of student conduct proceedings after sanctions are provided to the Office of Student Conduct. Decisions of the Student Conduct Appeal Board can be appealed to the chancellor or his/her designee.

5.1.16 The term “**shall**” or “**will**” is used in the imperative sense.

5.1.17 The term “**may**” is used in the permissive sense.

5.1.18 The term “**preponderance of the information**” is the burden of proof of responsibility based upon information/evidence (that evidence which is more likely than not) presented from which any reasonable person would conclude that a violation of the Code of Conduct had occurred.

5.1.19 The term “**policy**” means the written regulations of the university as found in, but not limited to, the Student Code of Conduct, Housing and Residence Life, the university web page, Division of Information Technology, university catalog, and other policies found in the UNCP Student Handbook.

5.1.20 The term “**complainant**” means any person who submits a complaint alleging that a student violated the Student Code of Conduct. It is not a requirement that the complainant be the person or persons who were the recipient of the behavior associated with the alleged violation.

5.1.21 The term “**advocate**” means an individual of a student’s choosing identified to participate with the student throughout the Student Conduct Process. An advocate can be a licensed attorney. (Refer UNC Policy Manual: [Chapter 700 Section 700.4.1.1\[R\] - Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations](#) and UNCP Student Conduct Disciplinary Process.)

5.1.22 The term “**accused**” is defined as the student or student organization charged with a violation of the Student Code of Conduct.